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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. C 03-1920 JF
14 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
15 v.) EXTENDING STAY AND VACATING CASE
16 MISCELLANEOUS FIREARMS,) MANAGEMENT CONFERENCE
17 SILENCERS AND AMMUNITION,)
18 Defendant.)

19 Plaintiff, United States of America, and Prospective Claimant Kevin Dugan, through
20 undersigned counsel, hereby apply to the Court for a further order extending the stay of this
21 matter and vacating the case management conference currently scheduled for November 17,
22 2006. In this in rem civil action, plaintiff seeks to forfeit certain firearms, silencers and
23 ammunition alleged to have been illegally possessed by Kevin Dugan. As reported in the last
24 request for an extension staying this action, Dugan is a prospective claimant in this action,¹
25 which is based, in large part, on the allegations at issue in the pending criminal action (United
26 States v. Kevin Dugan, CR 03-20010 JF). The Court has previously entered orders staying this
27 matter pending resolution of the ongoing criminal proceeding. Pretrial motions in the related
28 criminal case are currently scheduled for November 8, 2006. The factual predicate for entry of

¹Dugan has not yet filed a claim or Answer in the civil forfeiture action, but has advised the government and the Court that he intends to do so.

1 the stay has not changed. Accordingly, the parties hereby request that the Court extend the stay
2 in this matter and continue the case management conference until Friday, January 19, 2007, or a
3 date convenient for the Court.

4 Dated: 10/19/06

Respectfully submitted,

5 KEVIN V. RYAN
United States Attorney

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7 STEPHANIE MCLEODS
8 Assistant United States Attorney

9 Dated: 10/20/06

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11 DANIEL HALPERN
12 Attorney for Prospective Claimant Kevin Dugan

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14 (PROPOSED) ORDER

15 IT IS SO ORDERED. The captioned civil forfeiture case shall be stayed pursuant to 18
16 U.S.C. § 981(g)(1) and (2) until the conclusion of the related district court criminal case, CR 03-
17 20010 JF. The case management conference currently scheduled for November 17, 2006 is
18 vacated. The matter is continued for further status until Friday, January 19, 2007, or a date
19 convenient for the Court.

20 Dated: 11/1/06

21 
22 JEREMY FOGEL
United States District Judge

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STIPULATION AND (PROPOSED) ORDER EXTENDING STAY AND
VACATING CASE MANAGEMENT CONFERENCE
C 03-1920 JF

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TOTAL P.03

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of **STIPULATION AND [PROPOSED] ORDER EXTENDING STAY AND VACATING CASE MANAGEMENT CONFERENCE** to be served this date by electronic delivery upon the persons below at the place and address which is the last known address:

Daniel Halpern, Esq.
Halpern & Halpern
111 N. Market Street, Suite #1010
San Jose, CA 95113

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 23rd day of October, 2006, at San Francisco, California.


ALICIA CHIN
Paralegal/ AFU